

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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L IJ-0005

E I DU PONTE DE NEMOURS AND COMPANY  
LEGAL PATENTS  
WILMINGTON DE 19898

IM22/0719

EXAMINER

SHOSHO, C

ART UNIT	PAPER NUMBER
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1714

DATE MAILED:

07/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Advisory Action</b>	Application No. <b>09/120,608</b>	Applicant(s)	Page et al.
	Examiner <b>Callie Shosho</b>	Group Art Unit <b>1714</b>	

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a)  expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b)  expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due two months from the date of the Notice of Appeal filed on \_\_\_\_\_ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

**Applicant's response to the final rejection, filed on Jul 6, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:**

The proposed amendment(s):

- will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- will not be entered because:
  - they raise new issues that would require further consideration and/or search. (See note below).
  - they raise the issue of new matter. (See note below).
  - they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Applicant's response has overcome the following rejection(s):

\_\_\_\_\_

\_\_\_\_\_

Newly proposed or amended claims \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
see attachment

\_\_\_\_\_

The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: \_\_\_\_\_

Claims objected to: \_\_\_\_\_

Claims rejected: 6-12 \_\_\_\_\_

The proposed drawing correction filed on \_\_\_\_\_  has  has not been approved by the Examiner.

Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Other

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**Attachment to Advisory Action**

1. Applicants' amendment filed 7/6/00 (Paper No. 11) has been considered. However, the arguments are not persuasive for the following reasons.

Applicants argue that the finality of the office action mailed 4/10/00 must be withdrawn since the office action does not address the feature recited in the claims that the graft polymer binder be soluble in the aqueous vehicle, but insoluble in water. However, given that the office action discloses that Ma et al. '014 (EP 0851014) uses a graft polymer containing hydrophobic and hydrophilic portions which is identical to that presently claimed, it would have been immediately apparent to one of ordinary skill in the art that the hydrophilic portion of the polymer of Ma et al. '014 would have been soluble in the aqueous portion of the carrier medium, while the hydrophobic portion would have been soluble in the non-aqueous portion of the carrier medium but insoluble in the aqueous portion of the medium. The solubility of the polymer is inherent in its structure, and since the polymer disclosed by Ma et al. '014 is structurally identical to that presently claimed, it would have been self-evident to one of ordinary skill in the art that the polymer of Ma et al. '014 has the same solubility as presently claimed. Thus, the finality of the previous office action is proper.

Applicants further argue that page 4, lines 11-12 of Ma et al. '014 disclose that the polymer is insoluble in the aqueous medium. However, it is the examiner's position that Ma et al. '014 's disclosure that the hydrosol polymer is "dispersed as a separate phase in the aqueous carrier medium" does not teach that polymer is insoluble in the aqueous medium, but rather that

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the hydrophilic portion of the polymer is soluble in the aqueous portion of the carrier medium, while the hydrophobic portion is soluble in the non-aqueous portion of the carrier medium.

Further, page 4, lines 28-29 of Ma et al. disclose that the presence of the hydrophilic groups in the side chains controls the solubility of the polymer in the aqueous medium. Thus, given that Ma et al. '014's polymer contains hydrophilic portions, it is clear that the polymer has solubility in the aqueous medium as presently claimed.

Thus, Ma et al. '014 remains as a relevant reference against the present claims.

C.S.  
Callie Shosho

7/18/00

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